IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.947 OF 2006.
IN
CRIMINAL APPEAL NO.821 OF 2006.

Dattatraya Govind Dhavale & anr. ... Applicants.
Versus.
The State of Maharashtra. ... Respondent.

Shri Ujwal R.Agandsurve for the Applicants.

Shri A.S.Shitole, A.P.P. for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 27th September, 2006.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned A.P.P. for the State. The Applicants have been convicted for offence under section 498A and 306 of the Indian Penal Code. Both the Applicants were on bail throughout the trial. The maximum substantive sentence is of five years.

2. I have perused the notes of evidence and the alleged dying declarations of the deceased. The first dying declaration says that from 10th February 2004 the deceased was not staying with the Applicant No.1-husband and on 22nd February 2004 she committed suicide by pouring petrol on her person. In the second dying declaration she has stated that on 17th February 2004 when she attempted to meet the Applicant No.1 she was assaulted. Considering the said dying declarations and the evidence on record, a case is made out for enlarging

the Applicant on bail. There is no allegation that the Applicants have misused the liberty granted during the pendency of the appeal. It is unlikely that the appeal will be heard finally before the period of the substantive sentence is over.

3. Considering the peculiar facts of the case, I pass the following order:

i) The Applicants shall be enlarged on the same bail on which they were enlarged during the pendency of the trial, subject to filing of fresh bail bonds.

ii) The bail is granted subject to condition that the Applicants will report to the Sadar Bazar Police Station, Solapur, once in a month till disposal of the Appeal.

Judge.